IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.4157 of 2006

Meghna Miradarshan Co-operative
Housing Society Ltd. & anr. Petitioners
Vs.
State of Maharashtra & ors. Respondents

Mr.M.P.Rao with Mr.H.K.Sudhakara i/b M/s. Khaitan and Co. for petitioners.

Mr.A.H.Palekar, AGP for Resp.Nos.1 and 2.

Mr.Y.S.Jahagirdar, Sr.Counsel with Mr.T.D.Deshmukh for respondent no.3.

CORAM: B.H.MARLAPALLE,J.

July 21, 2006.

P.C.

. Heard Mr.Rao with Mr.Sudhakara i/b. M/s.Khaitan and Co., the learned counsel for petitioners, Mr.Jahagirdar, the learned Senior Counsel with Mr.Deshmukh for Respondent No.3 and Mr.Palekar, the learned AGP for Respondent Nos.1 and 2.

. The Respondent No.2 has entertained an application under Section 21A of the Maharashtra Co-opertive Societies Act, 1960 filed by the Respondent No.3 and registered the same as Application No. 33 of 2005. Consequently show cause notice has been issued to the present petitioner,

which is a registered Co-operative Housing Society under the Maharashtra Co-operative Societies Act, 1960. The said application registered prays for cancellation of registration of the petitioner - Society. Obviously by filing the reply and appearing before the Respondent No.2 the petitioner - Society has the full opportunity of defending its case so as to oppose Application No.33 of 2005 and as at present its registration has not been disturbed in any way. Therefore, in these obtaining circumstances this petition is obviously premature and there is no order passed under the Act which could be challenged in this petition. The order issuing notice and passed on 9/1/2006 on the other hand gives the petitioner the opportunity to oppose the application filed by the respondent no.3.

. The petition is, therefore, disposed off by granting opportunity to the petitioner to file its reply before the respondent no.2 and undoubtedly the said authority i.e. the Divisional Joint Registrar shall hear all the parties concerned and pass the final order as per law. If the petitioner Society apprehends that the respondent no.2 is not free from bias on account of allegations made against him, the

Society is at liberty to approach the Commissioner - Co-operation before whom some complaints appear to have been filed already and the said Commissioner may assign the Application No.33 of 2005, if so convinced, to any other officer i.e. the Divisional Joint Registrar at or around Mumbai.

. The parties are at liberty to file additional replies, if so desired and in any case Application No.33 of 2005 shall be decided as far as possible by 31st December 2006.

(B.H.MARLAPALLE,J.)